

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00 EB-07
FMC-01 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06 OES-06
IO-13 PM-04 H-01 L-03 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 ACDA-07 TRSE-00 /099 W
-----201812Z 118141 /42

R 201741Z JAN 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 4903
INFO USMISSION USBERLIN
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 01208

E.O. 11652: GDS
TAGS: PFOR, PGOV, IMCO, WB, GW, GE, US, UK, FR
SUBJECT: GDR STATEMENTS IN IMCO CONCERNING BERLIN

BEGIN SUMMARY: BONN GROUP HAS REACHED AD REF AGREEMENT
ON THE TEXT OF AN ALLIED REPLY TO TWO GDR STATEMENTS IN
IMCO CONCERNING THE APPLICATION OF IMCO CONVENTIONS TO
BERLIN. ACTION REQUESTED: APPROVAL OF TEXT FOR
DELIVERY BY FCO IN LONDON. END SUMMARY.

1. FRG REPS HAVE INFORMED ALLIES IN BONN GROUP OF TWO
GDR STATEMENTS IN THE INTER-GOVERNMENTAL MARITIME
CONSULTATIVE ORGANIZATION (IMCO) CONCERNING FRG EXTEN-
SION OF IMCO CONVENTIONS TO THE WSB AND HAVE REQUESTED
ALLIES TO REPLY.

2. THE FIRST GDR STATEMENT, MADE ON OCTOBER 18, 1976,
WITH REGARD TO THE EXTENSION TO BERLIN OF THE INTER-
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NATIONAL CONVENTION FOR SAFE CONTAINERS, READS AS
FOLLOWS:

"THE MINISTRY OF FOREIGN AFFAIRS OF THE GERMAAN
DEMOCRATIC REPUBLIC PRESENTS ITS COMPLIMENTS
TO THE SECRETARY-GENERAL OF THE INTER-GOVERNMENTAL
MARITIME CONSULTATIVE ORGANIZATION (IMCO) AND HAS

THE HONOR, WITH REGARD TO THE DECLARATION OF THE
FEDERAL REPUBLIC OF GERMANY ON THE APPLICATION TO
BERLIN (WEST) OF THE CONVENTION FOR SAFE
CONTAINERS OF 2 DECEMBER 1972 TO DECLARE ON BEHALF
OF THE GOVERNMENT OF THE GERMAN DEMOCRATIC
REPUBLIC THE FOLLOWING:

THE GERMAN DEMOCRATIC REPUBLIC TAKES NOTE OF THE
DECLARATION OF THE FEDERAL REPUBLIC OF GERMANY ON
THE APPLICATION TO BERLIN (WEST) OF THE PROVISIONS
OF THE CONVENTION FOR SAFE CONTAINERS OF 2
DECEMBER 1972 AND CONSIDERS THAT THE APPLICATION
TO BERLIN (WEST) OF THE PROVISIONS OF THE CONVEN-
TION IS CONSISTENT WITH THE QUADRIpartite AGREE-
MENT OF 3 SEPTEMBER 1971 ACCORDING TO WHICH
BERLIN (WEST) IS NO CONSTITUENT PART OF THE
FEDERAL REPUBLIC OF GERMANY AND MUST NOT BE
GOVERNED BY IT."

3. THE SECOND GDR STATEMENT WAS MADE ON NOVEMBER 24,
1976, IN CONNECTION WITH GDR ACCEPTANCE OF THE 1960
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA.
THE GDR ACCEPTANCE WAS ACCOMPANIED BY THE FOLLOWING
DECLARATION:

"IN REGARD TO THE APPLICATION OF THE CONVENTION
TO BERLIN (WEST) THE GERMAN DEMOCRATIC
REPUBLIC STATES, IN ACCORDANCE WITH THE
QUADRIpartite AGREEMENT BETWEEN THE GOVERNMENTS
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OF THE UNION OF SOVIET SOCIALIST REPUBLICS, THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND, THE UNITED STATES OF AMERICA, AND THE
FRENCH REPUBLIC OF 3 SEPTEMBER 1971 THAT BERLIN
(WEST) IS NO CONSTITUENT PART OF THE FEDERAL
REPUBLIC OF GERMANY AND MUST NOT BE GOVERNED BY
IT. CONSEQUENTLY, THE DECLARATION OF THE FEDERAL
REPUBLIC OF GERMANY THAT THE CONVENTION WAS ALSO
APPLICABLE TO THE "LAND OF BERLIN", IS INCONSIS-
TENT WITH THE QUADRIpartite AGREEMENT AND CAN
PRODUCE NO LEGAL EFFECTS."

4. AFTER STUDYING GDR STATEMENTS, BONN GROUP CONCLUDED
THAT THEY COULD BOTH BE ANSWERED IN A SINGLE REPLY. IN
JANUARY 17 MEETING, AD REF AGREEMENT WAS REACHED ON
THE FOLLOWING RESPONSE:

BEGIN TEXT:

A. HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR
FOREIGN AND COMMONWEALTH AFFAIRS PRESENTS HIS COMPLIMENTS

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IO-13 PM-04 H-01 L-03 NSC-05 PA-01 PRS-01 SP-02
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R 201741Z JAN 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC 4904
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AMEMBASSY PARIS
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C O N F I D E N T I A L SECTION 02 OF 02 BONN 01208

TO THE SECRETARY GENERAL OF THE INTER-GOVERNMENTAL
MARITIME CONSULTATIVE ORGANIZATION AND HAS THE HONOUR
TO REFER TO THE SECRETARY GENERAL'S NOTE A1/N/1.03 OF
22 NOVEMBER 1976 CONCERNING A COMMUNICATION DATED 18
OCTOBER 1976 FROM THE MINISTRY OF FOREIGN AFFAIRS OF
THE GERMAN DEMOCRATIC REPUBLIC ON THE EXTENSION BY THE
FEDERAL REPUBLIC OF GERMANY OF THE CONVENTION FOR
SAFE CONTAINERS OF 2 DECEMBER 1972 TO THE WSB, AND TO
THE SECRETARY GENERAL'S NOTE A1/C/3.02 OF 24 NOVEMBER
1976 CONCERNING THE DEPOSIT OF AN INSTRUMENT OF
ACCEPTANCE BY THE GOVERNMENT OF THE GERMAN
DEMOCRATIC REPUBLIC TO THE INTERNATIONAL CONVENTION FOR
THE SAFETY OF LIFE AT SEA, 1960.

B. IN CONNECTION WITH THESE COMMUNICATIONS, THE
SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS
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WOULD LIKE TO STATE ON BEHALF OF THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE FRENCH REPUBLIC AND OF THE UNITED STATES OF AMERICA THAT THE GERMAN DEMOCRATIC REPUBLIC IS NOT A PARTY TO THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 WHICH WAS CONCLUDED IN BERLIN BY THE GOVERNMENTS OF THE FRENCH REPUBLIC, THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND OF THE UNITED STATES OF AMERICA, AND IS NOT THEREFORE COMPETENT TO COMMENT AUTHORITATIVELY ON ITS PROVISIONS.

C. THE QUADRIPARTITE AGREEMENT DOES NOT IMPOSE ANY REQUIREMENT REGARDING TERMINOLOGY TO BE USED BY THE FEDERAL REPUBLIC OF GERMANY, WHEN EXTENDING TO THE WESTERN SECTORS OF BERLIN TREATIES OR AGREEMENTS TO WHICH IT HAS BECOME A PARTY, NOR OF COURSE, DOES THE AGREEMENT AFFECT TERMINOLOGY USED IN THE PAST.

D. IN ANY CASE THE USE BY THE FEDERAL REPUBLIC OF GERMANY OF THE TERMINOLOGY MENTIONED IN THE NOTES UNDER REFERENCE CAN IN NO WAY AFFECT QUADRIPARTITE AGREEMENTS OR DECISIONS RELATING TO BERLIN.

E. CONSEQUENTLY, THE VALIDITY OF THE BERLIN DECLARATION MADE BY THE FEDERAL REPUBLIC OF GERMANY IS UNAFFECTED BY THE USE OF THIS TERMINOLOGY.

F. THE GOVERNMENT OF THE UNITED KINGDOM DOES NOT CONSIDER IT NECESSARY TO RESPOND TO ANY FURTHER COMMUNICATIONS OF A SIMILAR NATURE BY STATES WHICH ARE NOT SIGNATORIES TO THE QUADRIPARTITE AGREEMENT. THIS SHOULD NOT BE TAKEN TO IMPLY ANY CHANGE IN THE POSITION OF THE GOVERNMENT IN THIS MATTER.

G. IT IS REQUESTED THAT THE CONTENTS OF THIS
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NOTE BE CIRCULATED TO ALL MEMBER GOVERNMENTS OF IMCO.

H. THE SECRETARY OF STATE AVAILS HIMSELF OF THIS OPPORTUNITY TO EXPRESS TO THE SECRETARY GENERAL THE ASSURANCE OF HIS HIGHEST CONSIDERATION. END TEXT

5. AS ON PREVIOUS EXCHANGES IN THE IMCO ARENA,

DELIVERY OF THE ALLIED REPLY WOULD BE HANDLED BY
THE FCO, ON BEHALF OF ALL THREE ALLIES, THROUGH IMCO
HEADQUARTERS IN LONDON.

6. ACTION REQUESTED: THAT THE DEPARTMENT APPROVE THE
TEXT IN PARA 4 FOR DELIVERY BY THE UK.
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Message Attributes

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Disposition Approved on Date:
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Disposition Date: 22 May 2009
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TAGS: PFOR, PGOV, WB, GE, GC, US, UK, FR, IMCO
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